Applicants:	Stephen Todd, et al.		Art Unit	: 2169
Serial No. :	10/024,796		Examiner :	Sana A. Al Hashemi
Filed	: December 19, 2001		Conf. No. :	6077
Title	: WORKFLOW DATABASE FOR SCALABLE STORAGE SERVICE			

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

Claims 1 to 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Peters et al. (U.S. Patent Number 5,884,284 hereinafter "Peters"). Claim 23 stands rejected under 35 U.S.C. § 103(a) as being obvious over Peters in view of Bromley et al (U.S. Patent Number 7,099,900 hereinafter "Bromley").

Applicants respectfully submit that the Examiner's use of claim terms in the Examiner's analysis of the Peters reference is inconsistent and constitutes a clear error in the rejection. Therefore, Applicants respectfully submit that since the Examiner's analysis omits essential elements needed to establish a *prima facie* rejection, the analysis and the rejection are flawed.

In particular, the Examiner has not used consistently the recited "list of the types of work order requests" so that the claim limitation of "the list of the types of work order requests includes at least one of requests to create a mirror or to restore remote mirroring" in independent claims 1, 21 and 23 is not found in Peters.

The Examiner has stated that a list of the types of work order requests is taught in Peters

(see page 3 of the Final Office Action) which recites:

> Turning back to FIG. 12, a typical report menu according to the present invention would give the user choices between several reports to generate. Once a user selects a specific report to be generated, the information relevant to the report is compiled by the server 66 from the files stored in central storage device 68 (see Column 19, lines 4 to 9 of Peters).

FIG. 12 of Peters depicts a list that includes a Returned Work Order Report; Scheduled Work

Order Report; Daily Activity Report; Drop Burial List; Drop Burial Past Due List; Drop Burial

Summary; Pending Disconnect Work Order Request; Multiple Orders, Same Address; Repeat

Call Report and Unscheduled Work Order Report (See FIG. 12 of Peters). However, none of

these alleged types of work order requests in this list mentions mirroring much less restoring

remote mirroring.

The Examiner parsed the claim limitation that includes "the list of the types of work

order requests includes at least one of requests to create a mirror or to restore remote mirroring"

into two parts. The Examiner alleges that support for the first portion of the parsed phrase that

includes "list of the types of works requests comprise at least one request to" is taught in Peters

(see page 3 of the Final Office Action) which recites:

> The databases are maintained, processed, analyzed, and a variety of reports and bills are generated. In the CCI preferred embodiment, the functions are categorized as (1) DPL (display) User functions, (2) SAM menu user functions, and (3) supervisor functions and reports. The DPL user functions and SAM menu user functions are intended primarily for review or modification of individual data records (see Column 7, lines 44 to 51 of Peters).

The Examiner further alleges that this portion of Peters teaches "the method of displaying al[sic]

functions corresponds to list of the types of work order requests" (see page 3 of the Final Office

Action) However, this cited portion of Peters does not teach work orders or work orders requests

at all. Also, this cited portion of Peters does not teach a list of the types of works orders requests

alleged by the Examiner to be found at Column 19, lines 4 to 9 of Peters nor is there any logical

relationship with that section of Peters at all.

For the second portion of the parsed phrase, the Examiner alleges that support for

"restoring remote mirroring" is taught in Peters (see page 3 of the Office Action) by citing:

> The customer service functions provide the user with information needed
> to serve customers. These functions include the FCP function and the RMD
> function. The FCP function allows the user to perform certain functions when
> operating a draw or add systems front counter. The RMD function keeps track of
> the payment arrangements and miscellaneous reminder messages that the user
> may have entered regarding the various subscriber accounts (see column 10, lines
> 22 to 29 of Peters).

The Examiner's rationale states that "the method of allowing user [sic] to access and update

work order [sic] remotely corresponds to the claimed limitation" (see page 3 of the Final Office

Action). Again, this cited portion of Peters mentions nothing about work orders, work order

requests much less a list of the types of works orders request that the Examiner alleges are found

at Column 19, lines 4 to 9 of Peters. Furthermore, this cited portion has nothing to do with the

first parsed portion found at column 7, lines 49 to 51 of Peters.

In response to Applicants' arguments that the Examiner has ignored "mirroring" the

Examiner introduced new support for her argument by stating that Peters discloses "duplicating"

and refers Applicants to a portion of Peters (see page 9 of the Final Office Action) that recites:

> The print function allows the user to print a subscriber report, a copy of a
> work order or service order, an invoice, or a subscriber's transaction history. The
> function includes: printing a transaction history, printing a duplicate invoice,
> printing a current DPL screen, printing a trouble order, and printing a work order
> (column 8, lines 68 to column 9, line 4 of Peters).

Applicants respectfully submit that this section of Peters merely describes printing a duplicate

invoice and printing a work order. This section of Peters does not mention mirroring or that

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printing a duplicate invoice is even from a list of the types of work order requests alleged by the

Examiner to be found at Column 19, lines 4 to 9 of Peters.

The Examiner also suggests that other portions in Peters teach mirroring (see page 9 of

the Final Office action) such as the portion of Peters that recites:

> Other databases are maintained for each CCI office for: alternate
> addresses, work orders, service orders, jobs, street names, franchise information,
> debit/credit codes, apartments, and campaigns. This is further shown in FIG. 11,
> and discussed below in the section hereof about FIG. 11 (see column 6, lines 32 to
> 37 of Peters).

However, this portion of Peters mentions nothing about mirroring or even that these work orders

are from a list of the types of work orders requests alleged by the Examiner to be found at

Column 19, lines 4 to 9 of Peters.

Moreover, for the record, the Examiner has misstated Applicants' position with respect to

mirroring by alleging that Applicants have said duplicating is mirroring (see page 9 of the Final

Office Action). In particular, Applicants' previous Office Action response states that:

> … the terms "mirror" and "mirroring" have meaning to one of ordinary
> skill in the art. For instance, mirroring is a "means of protecting data …by
> duplicating it, <u>in its entirety on a second disk</u>" (see page 293 of the Microsoft
> Computer Dictionary, Fourth Edition included herein) or put another way "is the
> <u>replication of logical disk volumes onto separate physical hard disks</u> in real time
> to ensure continuous availability" (http://en.wikipedia.org/wiki/Disk_mirroring
> (emphasis added, see pages 3 and 4 of the Office Action response dated
> September 11, 2008)

The Examiner has only focused on the word "duplicating" and has ignored the complete sentence

which includes "duplicating in its entirety on a second disk."

Therefore, based on at least the foregoing remarks, the Examiner has not provided

adequate support to show that Peters teaches a list of the types of work order requests that

includes at least one of requests to create a mirror or to restore remote mirroring.

In view of the above, it is submitted that a proper *prima facie* rejection has not been

made, at least because at least one claim element discussed above is omitted. Accordingly,

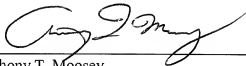Applicants respectfully request that the art rejection be withdrawn.

All correspondence should be directed to the address below. Applicants' attorney can be

reached by telephone at (781) 401-9988 ext. 123.

No fee is believed to be due for this Pre-Appeal Brief Request for Review; however, if

any other fees are due, please apply such fees to Deposit Account No. 50-0845 referencing

Attorney Docket: EMC-034PUS.

I am an attorney of record.

Respectfully submitted,

Date: _____11 February 2009_____   _____
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